

**Abstract**

## **A Study on Calculating the Amount of Compensation for Copyright Infringement**

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The purpose of the copyright law is to improve the protection of authors' right, fair use of their writings, and related cultures and industries. Being realistic, the protection of right has its certain limits to using it fairly. However, it is true that the right of authors should be considerably protected.

Unlike infringement on the tangible being, copyright, the intangible being, is easy to violate and fall into temptation of infringement. Meanwhile, the damage caused by the infringement could be affected by the number of pirates' sales, changes in market environment conditions, business ability of them, and kinds of variables. Plus, most materials for computation of damages belong to a pirate.

With the characteristics of copyright infringement, writers can't get the rational amount of compensation for damage even though they are infringed. That's because they can't prove the causal relationship between the act of infringement and losses, and the amount of damages.

The copyright law has special regulations, but substantially the amount of compensation for damage paid is still very small.

Therefore, We need to seek for a solution on the way to protect authors in substantial by making the amount of compensation for damage reasonable.

So it's my job to examine things, associated with solutions to effective writers' right protection - a way of legislation, such as 'a punitive damage' in America and 'a calculation appraiser' and 'a duty of explanation to appraisers' in Japan, and a way of the law interpretation theory and the law policy, such as how to interpret the regulation sanctions of the noncompliance against an information provision command, the charge rate of law suit cost- and then suggest the problems and improvements with copyright law.

## Keywords

the characteristics of copyright infringement, the amount of compensation for damage, punitive damages, a calculation appraiser, duty of explanation, information provision command, the charge rate of raw suit cost

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